

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIO LAVEZZARE,

Plaintiff,

-against-

07 Civ. 3542 (LAK)

FIRST HUNGARIAN CONGREGATION OHAB
ZEDEK,

Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendant's motion to dismiss the complaint [docket item 6] is granted to the extent that plaintiff's damage claims with respect to alleged violations of the (a) Fair Labor Standards Act for the period prior to May 3, 2004 and (b) the New York Labor Law and the order of the New York Commission of Labor for the period prior to May 3, 2001 are dismissed as barred by the statutes of limitation and denied in all other respects. The complaint sufficiently alleges claims upon which relief might be granted. Resolution of the question whether plaintiff can prove coverage must await discovery.

SO ORDERED.

Dated: October 29, 2007



Lewis A. Kaplan
United States District Judge